Remarks

Reconsideration of this application as amended is respectfully requested.

Claim 2 is cancelled.

Claims 1, and 3-12 are allowed.

Claims 13-18 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,574,922 of *James* ("*James*").

Applicant respectfully submits that amended claim 13 is not anticipated by *James* because *James* does not disclose accessing a hardware control point of a hardware system as claimed in amended claim 13. Instead, *James* discloses a method for accessing a shared memory. (*James*, col. 4, line 66 through col. 5, line 3). Figure 3 of James shows a software process 1 and a software process 2 accessing a set of shared data 44 stored in a shared memory 46. It is respectfully submitted that a shared memory is not a hardware control point as claimed in amended claim 13. A shared memory as taught by *James* enables a pair of software processes to access the same data (*James*, col. 7, line 57 through col. 8, line 62 and Tables 4 and 5) and is not a hardware control point as claimed in amended claim 13.

Applicant also submits that amended claim 13 is not anticipated by *James* because *James* does not disclose a latch object for a hardware control point that provides a common software interface to the hardware control point as claimed in amended claim 13. Instead, *James* discloses a sequence of instructions that lock and unlock memory accesses. (*James*, col. 4, line 66 through col. 5, line 3). It is submitted that the sequence of instructions taught by *James* is not a common interface to a hardware control point as claimed in amended claim 13 because the sequence of instructions taught by *James* is included in the process 1 <u>and</u> the process 2 of *James* and <u>not</u> via a

- 6 -

latch object as claimed in amended claim 13.

Applicant further submits that amended claim 13 is not anticipated by *James* because *James* does not disclose coordinating accesses to the latch objects for the hardware control points of a hardware system as claimed in amended claim 13. This follows from the fact that *James* does not disclose latch objects for the hardware control points of a hardware system as claimed in amended claim 13.

Given that new claims 14-18 depend from amended claim 13, it is submitted that new claims 14-18 are not anticipated by *Gloudeman*.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-1078 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 5-10-05 By: _____

Paul H. Horstmann
Reg. No.: 36,167